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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,292	04/14/2004	Timothy Marc Francis	RSW920040043US1	6055
51016 7590 11/26/2007 IBM CORP. (RALEIGH SOFTWARE GROUP) c/o Rudolf O Siegesmund Gordon & Rees, LLP 2100 Ross Avenue Suite 2800 DALLAS, TX 75201			EXAMINER CHAVIS, JOHN Q	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 11/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

## Office Action Summary

Application No.

10/824,292

Applicant(s)

FRANCIS ET AL.

Examiner

John Chavis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-21 and 28 is/are rejected.
- 7) ☒ Claim(s) 9-14, 22-27 and 29-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/14/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

1. Claims 28-34 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a single period in each of the claims; however, claim 28 has 2 periods, which makes it unclear where the claim should end. The first period is near the middle of the claim after the phrase, "repeating the above step".

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 15-21 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Mor et al. (7,222,333).

**What is claimed is:**

1. A method for specifying a desired feature in a source code by embedding a behavior tag in the source code and

**Mor**

See the title, abstract, fig. 1B, fig. 2, col. 2 lines 19-33 and col. 4 lines 25-26. Mor does not indicate that his tags are "behavior tags"; however, they provide the same features specified in the applicant's abstract, which describes his behavior tags. That is, Mor provides for specifying a desired feature in the comment portion of a source file (which

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automatically selecting an implementation technology based on the desired feature associated with the behavior tag.

2. The method of claim 1 comprising: installing a deployment program on a computer; wherein the deployment program instructs a processor to perform steps comprising:

determining whether the implementation technology contains the desired feature defined by the behavior tag;

and responsive to the determination that the implementation technology contains the desired feature defined by the behavior tag,

using the implementation technology to execute the source code section associated with the behavior tag.

3. The method of claim 2 wherein the deployment program further comprises: responsive to the determination that the implementation technology does not contain the desired feature defined by the behavior tag, selecting a new implementation technology and repeating the

is part of the source file, as indicated above).

Mor also provides for automatically selecting an implementation technology based on the desired feature associated with the behavior tag, via col. See col. 3 lines 40-61. The Automated Java documentation system is considered to provide for the automatic selecting.

See fig. 2 step 220 in which the "providing" step is considered to enable (install) the doclet (deployment program) to enable evaluation of the source file, see col. 10 lines 63-col. 11 line 10.

See col. 10 lines 65-67.

See col. 10 line 67-col. 11 line 2.

See col. 11 lines 1-2.

See col. 12 lines 32-46.

steps in claim 2.

4. The method of claim 3 wherein the deployment program further comprises: accepting the source code containing the behavior tag.

See col. 12 lines 20-31.

5. The method of claim 4 wherein the deployment program uses a behavior tag definition to determine whether the implementation technology contains the desired feature defined by the behavior tag.

See the rejection of claim 2 above.

6. The method of claim 5 wherein the deployment program further comprises: wherein the implementation technology is one of a plurality of implementation technologies in an implementation technology preference list; and wherein the implementation technology in the implementation technology preference list that contains the desired feature defined by the behavior tag and that has the highest preference is used to execute the source code section associated with the behavior tag.

" " " "

7. The method of claim 6 wherein the deployment program further comprises: a configuration program; and wherein the configuration program allows a user to create and modify

See col. 6 lines 18-29.

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the behavior tag in the  
behavior tag definition.

8. The method of claim 7  
the deployment program  
further comprises: wherein  
the configuration program  
allows a user to create and  
modify the implementation  
technology preference in  
the implementation  
technology preference list.

Claims 15-21 are rejected as claims 2-8 above.

In reference to claim 28, see the rejection of claims 1-8 above.

***Allowable Subject Matter***

4. Claims 9-14, 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 29-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

A handwritten signature in black ink, appearing to read 'John Chavis', is positioned above the printed name.

John Chavis  
Primary Examiner AU-2193